

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Thomas John Kelly,

Civ. No. 08-5028 (JMR/JJK)

Plaintiff,

v.

Frerich, Correctional Officers; John Doe,
Correctional Officers; Distell, Saint Paul
Police Officers; Doe, Saint Paul Police
Officers; and Rob, Jail Nurse;

ORDER

Defendants.

Thomas John Kelly, 227367, MCF, 1000 Lake Shore Dr., Moose Lake, MN, 55767, *pro se*.

C. David Dietz, Esq., Assistant Ramsey County Attorney, counsel for Defendants Frerich and John Doe.

Cheri M. Sisk, Esq., Assistant Saint Paul City Attorney, counsel for Defendants Distell, Doe, and Rob.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated April 16, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. The Motion Requesting Default Judgment Against Defendants By Plaintiff (Doc. No. 14) is **DENIED**.

Date: May 8, 2009

s/James M. Rosenbaum
James M. Rosenbaum
United States District Judge